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6 Attorneys for Plaintiff
7 California Estate Osetra, Inc.

8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 CALIFORNIA ESTATE OSETRA, INC., a
12 California corporation, suing both individually and
13 derivatively on behalf of Tsar Nicoulai Caviar, LLC,

14 Plaintiff,

15 vs.

16 RH CAPITAL LLC, an Oklahoma Limited Liability
17 Company and ROBERT MAY,

18 Defendants.

19 Case No. C 06 5519 JSW

20 C 06 - 05519 JSW

21 **PROPOSED STIPULATION AND
22 ORDER RE: LIMITED CONSENSUAL
23 STAY OF PROCEEDINGS**

24
25 Judge: Hon. Jeffrey S. White

26 WHEREAS, Plaintiff brought this action in U.S. District Court for the Northern District of
27 California for monetary and injunctive relief against defendants, seeking in part to be provided the
28 opportunity to bid on the sale of the company in which Plaintiff and Defendants hold an interest – Tsar
Nicoulai Caviar LLC;

29 WHEREAS, Defendants RH Capital LLC, Tsar Nicoulai Caviar LLC and Kanbar Spirits, Inc.
30 have also brought an action against Plaintiff herein and shareholders of Plaintiffs, Mats and Daphne
31 Engstrom, in connection with the operation of Tsar Nicoulai Caviar LLC, in the State of Oklahoma

1 District Court for Oklahoma County; and

2 WHEREAS, the parties to these law suits are engaged in efforts to settle their disputes by, inter
3 alia, seeking to stay both law suits at this time to allow negotiations to proceed unimpaired by
4 litigation activity.

5 WHEREFORE, the parties, through their counsel, stipulate and agree that:

- 6 1. This law suit be stayed until 15 days following notice from either Plaintiffs or
7 Defendants – through their counsel – that it should again proceed;
- 8 2. That Defendants' outstanding motion to dismiss shall be taken off calendar, provided
9 that it may be renoticed by Defendants' counsel through notice to Plaintiff's counsel for
10 a hearing date following the 15 day notice period set forth in paragraph 1 herein;
- 11 3. That Plaintiffs and Defendants be required to meet and confer and provide the Court
12 with a Joint Status Report within 120 days from the date that this Stipulation is signed
13 as an Order by this Court.
- 14 4. That in the interim, all normally required activity under Rule 26 shall be stayed until
15 and unless the present stay is lifted through the above-described notice of counsel or by
16 Order of this Court.

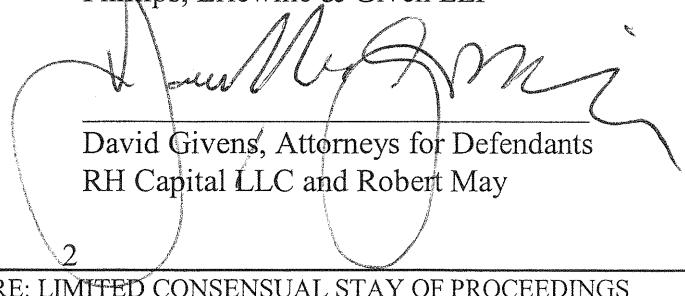
17 DATED: October 4, 2006

18 SOMMERS & SCHWARTZ LLP

19 
20 Andrew Schwartz, Attorneys for
21 Plaintiff California Estate Osetra, Inc.

22 DATED: October 4, 2005

23 Phillips, Erlewine & Given LLP

24 
25 David Givens, Attorneys for Defendants
26 RH Capital LLC and Robert May

SO ORDERED:

DATED: October 6, 2006

Honorable Jeffrey White

United States District Court Judge



Jeffrey S. White
United States District Court Judge